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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,680	03/29/2004	Nahum Guzik	56234-110 (GUZL-172)	2973

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GREENBERG TRAURIG, LLP
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ATTN: PATENT ADMINISTRATOR
BOSTON, MA 02110

EXAMINER

WHITTINGTON, KENNETH

ART UNIT	PAPER NUMBER
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2862

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/811,680	Applicant(s) GUZIK, NAHUM (PMU)	
	Examiner Kenneth J. Whittington	Art Unit 2862	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
 4a) Of the above claim(s) 15-51 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 11-14 and 52-64 is/are rejected.
- 7) ☒ Claim(s) 7-10 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Bot Ledyne
 Primary Examiner

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/27/04</u> . | 6) <input type="checkbox"/> Other: ____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

6 A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 6, 11-14, 52, and 57-64 are rejected under 35

12 U.S.C. 102(b) as being anticipated by Greene et al. (US 6,531,867), hereinafter Greene. Regarding claims 1 and 6, Greene discloses a positioning system having three orthogonal axes comprising:

a fixed base rigidly coupled to a planar surface (See Greene FIG. 1, surface 34 and fixed base 20);

18 an XY intermediate plate slidably coupled to the fixed base, slidable along the x axis (See FIG. 1, item 16);

an XY stage slidably coupled to the XY intermediate plate along the y axis (See FIG. 1, puck item 12); and

a platen flexibly coupled to the XY stage via a flexure, generally constrained to move in the XY plane, but movable via a
24 flexure mounting in the z-axis (See FIG. 1, note read head plate shown but not identified as platen, coupled to a micro-

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positioner 11 and see also col. 3, line 51 to col. 4, line 31 and col. 1, line 34 to col. 3, line 17).

Regarding claims 11-14, the device would necessarily have a bearing assembly to facilitate the based for sliding with respect to the base and each other and Green discloses linear
6 actuators for this purpose (See col. 3, line 51 to col. 4, line 31 and FIGS. 1 and 2, items 24 and 28).

Regarding claims 52 and 57, Greene discloses a positioning system having three orthogonal axes comprising:

a fixed base rigidly coupled to a planar surface (See Greene FIG. 1, surface 34 and fixed base 20);

12 an XY intermediate plate slidably coupled to the fixed base, slidable along the y axis (See FIG. 1, item 16); and

a platen flexibly and slidably coupled to the XY intermediate stage via a flexure and puck, generally constrained to move in the XY plane, but movable via a flexure mounting in the z-axis (See FIG. 1, note read head plate shown but not
18 identified as platen, coupled to a micro-positioner 11 via a flexure and see also col. 3, line 51 to col. 4, line 31 and col. 1, line 34 to col. 3, line 17, note also that the platen is coupled to the XY intermediate plate via the flexure for the flexible coupling and via the puck for slidable coupling).

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Regarding claims 58-60, Greene discloses the apparatus using a micro-positioning stand configured to receive a read-write head (the platen) and uses a piezoelectric crystal for the positioner (See col. 1, line 11 to col. 4, line 31).

Regarding claims 61-64, the device would necessarily have a bearing assembly to facilitate the base for sliding with respect to the base and each other and Green discloses linear actuators for this purpose (See col. 3, line 51 to col. 4, line 31 and FIGS. 1 and 2, items 24 and 28).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

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2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 2-5 and 53-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greene in view of Sakino et al. (US

5,040,431), hereinafter Sakino. Regarding these claims, Greene

teaches the features as outlined above but does not disclose a

locking arrangement for the x and y axes plates. Sakino teaches

an guiding mechanism for movement in the x and y axis comprising

a series of movable plates moveable with respect to each other

and comprising locking mechanisms to couple the plates together

to brake and prevent movement with respect to each other, i.e.,

lock (See Sakino col. 7, line 41 to col. 9, line 34). It would

have been obvious at the time the invention was made to

incorporate the locking/braking mechanisms of Sakino into the

device of Greene to temporarily couple the XY intermediate plate

to the fixed base and to temporarily couple the XY stage with

the intermediate plate. One having ordinary skill in the art

would have been motivated to do so to prevent the plates from

moving with respect to each other during head testing and to

avoid accidents and damage to the stages during movements and

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times of non-control (See Sakino col. 2, line 60 to col. 3, line 6).

Allowable Subject Matter

Claims 7-10 are objected to as being dependent upon a
6 rejected base claim, but would be allowable if rewritten in
independent form including all of the limitations of the base
claim and any intervening claims.

The following is a statement of reasons for the indication
of allowable subject matter: the prior art does not disclose a
preloading device as recited in the claims in combination with
12 the other features of the claims.

Conclusion

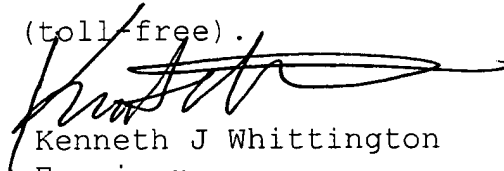
The prior art made of record and not relied upon is
considered pertinent to applicant's disclosure. The cited prior
art discloses various spin stand devices and various positioning
18 devices.

Any inquiry concerning this communication or earlier
communications from the examiner should be directed to Kenneth
J. Whittington whose telephone number is (571) 272-2264. The
examiner can normally be reached on Monday-Friday, 7:30am-
4:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on (571) 272-2180. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

6 Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, 12 see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kenneth J Whittington
Examiner
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kjw